

Water policy: priority substances

2011/0429(COD) - 12/08/2013 - Final act

PURPOSE: to achieve good surface water chemical status by laying down EQS for priority substances and certain other pollutants,

LEGISLATIVE ACT: Directive 2013/39/EU of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

CONTENT: this new Directive amends two existing Directives, namely:

- Directive 2000/60/EC establishing a framework for Community action in the field of water policy lays down a strategy against the pollution of water. That strategy involves the identification of priority substances amongst those that pose a significant risk to, or via, the aquatic environment at Union level.
- Directive 2008/105/EC on environmental quality standards in the field of water policy which lays down environmental quality standards (EQS), for priority substances mentioned above.

The main amendments made by the new Directive are as follows:

New substances for priority action in the field of water policy: the Directive adds **12 new substances** to the current list of 33 priority substances in Annex X of the Water Framework Directive.

The Commission will report on the outcome of the regular review of Annex X to Directive 2000/60/EC. It shall accompany the report, where appropriate, with legislative proposals to amend Annex X including, in particular, proposals to identify new priority substances or priority hazardous substances or to identify certain priority substances as priority hazardous substances and to set corresponding EQS for surface water, sediment or biota, as appropriate.

Environmental quality standards (EQS): the EQS for some of the existing substances are revised and updated in line with the latest scientific and technical knowledge concerning risks to, or via, the aquatic environment.

The revised EQS for **existing priority substances** must be taken into account for the first time in river basin management plans from 22 December 2015 with the aim of achieving good surface water chemical status in relation to those substances by 22 December 2021.

The **newly identified priority substances** and their EQS should be taken into account in the establishment of supplementary monitoring programmes and in preliminary programmes of measures to be submitted by the end of **2018**, with the aim of achieving good surface water chemical status in relation to those substances by 22 December **2027**.

Watch list: the Directive provides that the Commission will establish a list of substances for which Union-wide monitoring data are to be gathered for the purpose of supporting future prioritisation exercises (watch list.)

The first watch list will be established by 14 September 2014 and will contain 10 substances, inter alia, three pharmaceutical substances (Diclofenac, 17-beta-estradiol (E2) and 17-alpha-ethinylestradiol (EE2)).

The watch list must be **updated every 2 years**. The duration of a continuous watch list monitoring period for any individual substance shall not exceed four years.

Special provisions for pharmaceutical substances: the Commission shall, as far as possible within two years from 13 September 2013 develop **a strategic approach** to pollution of water by pharmaceutical substances. That strategic approach shall, where appropriate, include proposals enabling the environmental impacts of medicines to be taken into account more effectively in the procedure for placing medicinal products on the market.

Monitoring stations: Member States must monitor each substance in the watch list at selected representative monitoring stations over at least a 12-month period.

Each Member State shall select at least one monitoring station, plus one station if it has more than one million inhabitants, plus the number of stations equal to its geographical area in km² divided by 60000 (rounded to the nearest integer), plus the number of stations equal to its population divided by five million (rounded to the nearest integer). The frequency of monitoring shall be no less than once per year.

ENTRY INTO FORCE: 25/08/2013

TRANSPOSITION: 14/09/2015.

DELEGATED ACTS: the Commission may adopt delegated acts in respect of the updating of the methods for applying the EQS laid down in the Directive. The power to adopt delegated acts is conferred on the Commission for a period of six years from 13 September 2013. The European Parliament or Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If either Parliament or council express objections, the delegated act will not enter into force.